
Public Notice

Applicant:
Chagrin Highlands, Ltd.

Date:
Published:
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**U.S. Army Corps
of Engineers**

In Reply Refer To:

Buffalo District CELRB-CO-R RE: 93-494-8(7) Section: OH 404

**Application for Permit under Authority of
Section 404 of the Clean Water Act (33 U.S.C. 1344).**

Chagrin Highlands, Ltd, 25425 Center Ridge Road, Cleveland, Ohio 44145 has applied for a Department of the Army Permit to fill 5.80 acres of wetlands and 2795 linear feet of intermittent and perennial streams. The project purpose is to construct a master-planned community to provide commercial, office, retail, hotel and other services on an approximately 600 acre site located on Harvard Road, Richmond Road, Green Road and I-271 in Beachwood, Orange, Highland Hills, and Warrensville Heights, Cuyahoga County, Ohio.

A total of 21.89 acres of wetlands and 22,611 linear feet of streams originally existed on the site. As mitigation for impacts to 5.80 acres of wetlands and 2795 linear feet of streams, the applicant has proposed a combination of on- and off-site mitigation, as follows:

- a. on-site creation of a 1.52-acre wetland, to be located in the southeast corner of the project parcel located in Warrensville Heights;
- b. on-site creation or restoration of 3277 linear feet of stream channels;
- c. on-site preservation of 18,930 linear feet of streams and 13.58 acres of existing wetlands, and an additional 14.01 acres of upland buffer strips, through a conservation easement; and
- d. off-site restoration of 7.0 acres of wetlands as part of the Hess Wetland Project, located off Pekin Road in Newbury Township, Geauga County, Ohio. The Hess Wetland Project entails the restoration of a total of 36 acres of emergent wetlands on private property. The wetlands historically existed as a pond that resulted from an impoundment (berm) constructed in the 1940s. The berm was breached in 1994 during a particularly heavy rainfall, completely draining the pond. As a result, the former pond bottom is rapidly succeeding to a dry, upland condition. The Hess Wetland Project provides a mechanism for funding reconstruction of the dam and restoration of wetlands

through mitigation requirements of Department of the Army permits.

The summary attached to this notice provides additional details.

On May 2, 2000 the applicant received authorization under Nationwide Permit No. 26 to fill 2.21 acres of wetlands and 473 linear feet (0.06 acre) of natural intermittent streams. The applicant was required to mitigate for these impacts by creating 3.59 acres of new wetlands on the site, adjacent to existing Wetland I.

Thus, the net cumulative impacts of the previous Nationwide Permit authorization plus the currently proposed project would total 8.01 acres of wetlands and 3268 linear feet of streams. The net results of the mitigation project would total 5.11 acres of on-site wetland creation, 7.0 acres of off-site wetland restoration, 3277 linear feet of on-site stream creation/restoration, and on-site preservation of 13.58 acres of existing wetlands and 18,930 linear feet of existing streams, all with associated upland buffers.

Location and details of the above described work are shown on the attached maps and drawings.

Questions pertaining to the work described in this notice should be directed to Alan R. Anacheke-Nasemann, who can be contacted by calling (716) 879-4319, or by e-mail at:
alan.r.anacheke-nasemann@usace.army.mil

The following authorization(s) may be required for this project:

Water Quality Certification (or waiver thereof) from the Ohio Environmental Protection Agency.

There is one registered historic property or a property listed as being eligible for inclusion in the National Register of Historic Places that will be affected by this project. the project would result in the demolition of the Highland View Hospital, which is listed on the National Register of Historic Places.

In addition, available evidence indicates that the proposed work will not affect a species proposed or designated by the U.S. Department of the Interior as threatened or endangered, nor will it affect the critical habitat of any such species.

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-330. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:30 pm on the expiration date of this notice.

Comments should be sent to the U. S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207-3199, and should be marked to the attention of Alan R. Anacheke-Nasemann, or by e-mail at:
alan.r.anacheke-nasemann@usace.army.mil. A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the

Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Paul G. Leuchner
Chief, Regulatory Branch

NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 30 days from the date of issuance.